

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.5829 OF 2007

M/s.Bharat Petroleum Corporation Ltd. : Petitioner
(Orig.Defendant)

V/s.

New Kampala Service Station : Respondent
(Orig.Plaintiff)

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Mr.T.N.Subramanian with Mr.S.R.Page for the petitioner.

Mr.C.J.Sawant with Mr.J.J.Thakkar for the respondent.

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CORAM : S.A.BOBDE, J.

DATE : OCTOBER 01, 2007.

P.C.

Rule, returnable forthwith.

Mr.Thakkar waives service for the respondent.

Heard by consent.

2. After hearing the parties for sometime, the following order is passed by consent:-

O R D E R

(i) The interim injunction granted by the appellate

Bench shall remain in force pending the disposal of R.A.D. Suit nos.1872/2004, 61/06 and 89/06 pending in the Court of Small Causes at Mumbai. The Small Causes Court shall dispose of all the three suits pertaining to the petrol pump in question i.e. New Kampala Service Station within a period of six months from the next date. The trial Court shall consolidate all the three suits for trial and shall permit common evidence and hearing of all the three suits. Pending the suits, the respondent (original plaintiff), New Kampala Service Station shall maintain status quo as regards its constitution and registration. The respondent shall further not create any third-party rights in respect of the said petrol pump.

(ii) The rule is disposed of accordingly.

S.A. BOBDE, J.